

Contrary to MCI's Section 222(f)(1)(A) argument,<sup>54</sup> PIC and PIC-freeze information is clearly CPNI since it "relates" to the customer's service type and usage by identifying the IXC chosen by the customer to provide the service. For that reason, customer "approval" to use CPNI – whether inferred or express – allows the carrier benefiting from such approval to use the information.

#### 6. CPNI Consent

Vanguard asks the Commission to clarify the nature of consent required to use CPNI.<sup>55</sup> The kind of "detail" addressed by Vanguard (i.e., whether a contract requires that CPNI notification/approval language be "at or near the signature line")<sup>56</sup> is inappropriate. The Commission need not, and should not, "clarify" matters of rule implementation where any number of possible carrier implementation approaches would comply with the CPNI rules as promulgated. For example, a notification paragraph addressing CPNI in the body of a contract could just as easily be "compliant" with the current rules as Vanguard's proposed approach. For this reason, the Commission should merely reaffirm that carriers have considerable flexibility in implementation and compliance activities with respect to the rules.

#### 7. Non-Telecommunications Services Billing

Omnipoint asks that the Commission clarify that CMRS "information service and handset billing information are not CPNI merely because they appear on a

---

<sup>54</sup> MCI at 16.

<sup>55</sup> Vanguard at 17-18.

<sup>56</sup> Id. at 18.

monthly . . . bill which includes telecommunications charges.”<sup>57</sup> Omnipoint raised a similar issue in its comments with respect to the Further Notice issued by the Commission.<sup>58</sup>

As we stated there, U S WEST believes Omnipoint’s concern is simply misplaced.<sup>59</sup> As Omnipoint itself correctly argues, a regulatory position seeking to incorporate non-telecommunications services into the definition of CPNI would be at odds with the statutory language itself.<sup>60</sup> The statute is sufficiently clear that no further clarification is required.

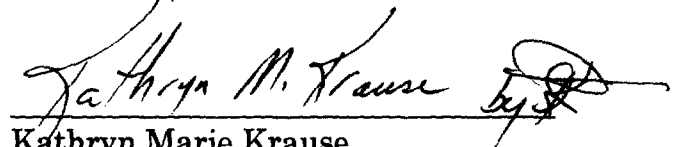
#### IV. CONCLUSION

For all of the above reasons U S WEST supports and opposes the various petitions for reconsideration and/or clarification addressed above.

Respectfully submitted,

U S WEST, INC.

By:



Kathryn Marie Krause  
Suite 700  
1020 19th Street, N.W.  
Washington, DC 20036  
(303) 672-2859

Of Counsel,  
Dan L. Poole

Its Attorney

June 25, 1998

---

<sup>57</sup> Omnipoint at 3, 19-20.

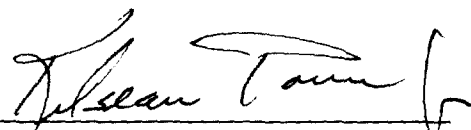
<sup>58</sup> Comments of Omnipoint, CC Docket Nos. 96-115 and 97-149, filed Mar. 30, 1998 at 4-6.

<sup>59</sup> Reply Comments of U S WEST, CC Docket Nos. 96-115 and 96-149, filed Apr. 14, 1998 at 13-15.

<sup>60</sup> Omnipoint at 20.

## CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 25<sup>th</sup> day of June, 1998, I have caused a copy of the foregoing **SUPPORT AND OPPOSITION OF U S WEST, INC. TO VARIOUS PETITIONS FOR RECONSIDERATION AND/OR CLARIFICATION** to be served, via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.

  
\_\_\_\_\_  
Kelseau Powe, Jr.

---

\* Served via hand delivery

\*William E. Kennard  
Federal Communications Commission  
Room 814  
1919 M Street, N.W.  
Washington, DC 20554

\*Gloria Tristani  
Federal Communications Commission  
Room 826  
1919 M Street, N.W.  
Washington, DC 20554

\*Michael K. Powell  
Federal Communications Commission  
Room 844  
1919 M Street, N.W.  
Washington, DC 20554

\*Harold Furchtgott-Roth  
Federal Communications Commission  
Room 802  
1919 M Street, N.W.  
Washington, DC 20554

\*Susan P. Ness  
Federal Communications Commission  
Room 832  
1919 M Street, N.W.  
Washington, DC 20554

\*Kathryn C. Brown  
Federal Communications Commission  
Room 500  
1919 M Street, N.W.  
Washington, DC 20554

\*Carol Matthey  
Federal Communications Commission  
Room 544  
1919 M Street, N.W.  
Washington, DC 20554

\*Janice M. Myles  
Federal Communications Commission  
Room 544  
1919 M Street, N.W.  
Washington, DC 20554

\*Dorothy Attwood  
Federal Communications Commission  
Room 533-C  
1919 M Street, N.W.  
Washington, DC 20554

\*Tonya Rutherford  
Federal Communications Commission  
Room 533-A  
1919 M Street, N.W.  
Washington, DC 20554

\*International Transcription  
Services, Inc.  
1231 20<sup>th</sup> Street, N.W.  
Washington, DC 20036

Michael F. Altschul  
Randall S. Coleman  
Cellular Telecommunications  
Industry Association  
Suite 200  
1250 Connecticut Avenue, N.W.  
Washington, DC 20036

John F. Raposa  
GTE Service Corporation  
HQE03J27  
600 Hidden Ridge  
Irving, TX 75038

Gail L. Polivy  
GTE Service Corporation  
1850 M Street, N.W.  
Washington, DC 20036

R. Michael Senkowski  
Michael Yourshaw  
Gregory J. Vogt  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, DC 20006-2304

GTE

Genevieve Morelli  
Competitive Telecommunications  
Association  
Suite 800  
1900 M Street, N.W.  
Washington, DC 20036

Glenn S. Rabin  
ALLTEL Communications, Inc.  
Suite 220  
655 15<sup>th</sup> Street, N.W.  
Washington, DC 20005

Mark C. Rosenblum  
Judy Sello  
AT&T Corp.  
Room 3245I1  
295 North Maple Avenue  
Basking Ridge, NJ 07920

Michael S. Pabian  
Ameritech Operating Companies  
Room 4H82  
2000 West Ameritech Center Drive  
Hoffman Estates, IL 60196-1025

Lawrence W. Katz  
Bell Atlantic Telephone Companies  
8<sup>th</sup> Floor  
1320 North Court House Road  
Arlington, VA 22201

Jeffrey E. Smith  
Comcast Cellular Communications, Inc.  
480 E. Swedesford Road  
Wayne, PA 19087

M. Robert Sutherland  
A. Kirven Gilbert III  
BellSouth Corporation  
Suite 1700  
1155 West Peachtree Street, N.E.  
Atlanta, GA 30309-3610

Frank W. Krogh  
Mary L. Brown  
MCI Telecommunications Corporation  
1801 Pennsylvania Avenue, N.W.  
Washington, DC 20006

Cheryl A. Tritt  
James A. Casey  
Morrison & Foerster, LLP  
Suite 5500  
2000 Pennsylvania Avenue, N.W.  
Washington, DC 20006-1888

360°

James J. Halpert  
Mark J. O'Connor  
Piper & Marbury, LLP  
7<sup>th</sup> Floor  
1200 19<sup>th</sup> Street, N.W.  
Washington, DC 20036

OMNIPOINT

William L. Roughton, Jr.  
PrimeCo Personal Communications, LP  
Suite 320 South  
601 13<sup>th</sup> Street, N.W.  
Washington, DC 20005

Sylvia Lesse  
Philip Macres  
Kraskin, Lesse & Cosson, LLP  
Suite 520  
2120 L Street, N.W.  
Washington, DC 20037

INDEPENDENTALLIANCE

Robert M. Lynch  
Durward D. Dupre  
Michael J. Zpevak  
Robert J. Gryzmala  
SBC Communications Inc.  
Room 3532  
One Bell Center  
St. Louis, MO 63101

Leon M. Kestenbaum  
Jay C. Keithley  
Michael B. Fingerhut  
Sprint Corporation  
11<sup>th</sup> Floor  
1850 M Street, N.W.  
Washington, DC 20036

Margot Smiley Humphrey  
Koteen & Naftalin  
Suite 1000  
1150 Connecticut Avenue, N.W.  
Washington, DC 20036

TDS

Linda Kent  
Keith Townsend  
Lawrence E. Sarjeant  
United States Telephone Association  
Suite 600  
1401 H Street, N.W.  
Washington, DC 20005

Raymond G. Bender, Jr. VANGUARD  
J.G. Harrington COMCAST  
Kelli Jareaux  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, N.W.  
Washington, DC 20036  
**(2 copies)**

Judith St. Ledger-Roty PAGINGNETWORK  
Paul G. Madison LCI  
Kelley, Drye & Warren, LLP CTA  
Suite 500  
1200 19<sup>th</sup> Street, N.W.  
Washington, DC 20036

**(3 Copies)**

Robert Hoggarth  
Personal Communications  
Industry Association  
Suite 700  
500 Montgomery Street  
Alexandria, VA 22314-1561

Michael J. Shortley III  
Frontier Corporation  
180 South Clinton Avenue  
Rochester, NY 14646

L. Marie Guillory  
Jill Canfield  
National Telephone Cooperative  
Association  
2626 Pennsylvania Avenue, N.W.  
Washington, DC 20037

Frederick M. Joyce  
Christine McLaughlin  
Joyce & Jacobs, LLP  
14<sup>th</sup> Floor - PH2  
1019 19<sup>th</sup> Street, N.W.  
Washington, DC 20036

RAM  
METROCALL

**(2 copies)**

Benjamin H. Dickens, Jr. COMMNE  
Gerard J. Duffy  
Susan J Bahr  
Blooston, Mordkofsky,  
Jackson & Dickens  
Suite 300  
2120 L Street, N.W.  
Washington, DC 20037

Douglas W. Kinkoph  
J. Scott Nicholls  
LCI International Telecom Corp.  
Suite 800  
8180 Greensboro Drive  
McLean, VA 22102

CC96115L.doc  
Last Update: 6/25/98